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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION,

No. 2:15-MD-02641-DGC

**JOINT MOTION TO EXTEND
CERTAIN DEADLINES IN CASE
MANAGEMENT ORDER NO. 8
RELATING TO DOCUMENT AND
ESI DISCOVERY AND PREVIOUSLY
SEARCHED AND NEW CUSTODIANS**

1 The parties jointly move for an extension of time for the parties to complete the
2 discovery and report to the Court regarding Defendants' system architecture and ESI
3 collection efforts and discovery from new custodians as ordered by the Court in Case
4 Management Order No. 8 ("CMO 8") (Doc. 519).

5 Specifically, in Sections III(A) and III(B) of CMO 8, the Court ordered as follows:

- 6 1. Defendants shall provide Plaintiffs, in an interview or Rule 30(b)(6)
7 deposition, information regarding Defendants' corporate structure and
8 corporate information systems. The purpose of these disclosures will be
9 to aid Plaintiffs in understanding the locations of information relevant to
10 this litigation. CMO 8, III(A)(1).
- 11 2. After obtaining this general information, Plaintiffs may conduct an
12 interview or a Rule 30(b)(6) deposition focusing on the architecture of
13 Defendants' information systems that are reasonably likely to contain
14 information relevant to the products at issue in this MDL proceeding.
15 CMO 8, III(A)(2).
- 16 3. Defendants were to provide Plaintiffs interrogatory answers providing a
17 reasonably detailed description of (a) the kinds of information defense
18 counsel obtained from Bard witnesses interviewed as part of collection
19 efforts in 2005 and 2006, (b) update efforts for those custodians, (c)
20 efforts to locate and produce information from shared document
21 management systems, and (d) all combinations of keyword search terms
22 used by Defendants and any testing of search results for over- and under-
23 inclusiveness. CMO 8, III(B).

24 The Court ordered that "[t]he parties shall complete this process and, if necessary, submit
25 the matrix [identifying any categories on which the parties cannot agree] to the Court by
26 March 18, 2016." The Court further ordered Defendants to provide Plaintiffs an
27 interrogatory answer identifying employees identified as being involved with the Eclipse,
28 Meridian, and Denali filters, for the parties to confer regarding additional searches for

1 those custodians, and for the parties to submit a matrix as to any disagreements with the
 2 other issues on March 18. [CMO 8, IV.]

3 While the parties have and continue to work together on this process, they need
 4 additional time to complete it based, primarily, on conflicting schedules. To date,
 5 Defendants have served interrogatory responses as required by Sections III(B) and IV of
 6 CMO 8.

7 For step one, as to corporate structure, Bard has also provided an interrogatory
 8 response, and Plaintiffs are deposing a Rule 30(b)(6) witness on that subject on March 18,
 9 2016. To complete step one, Plaintiffs will interview a witness knowledgeable as to
 10 Bard's corporate information systems. Based on the availability of the witness designated
 11 by Defendants and counsel, that interview will take place on April 15, 2016.

12 Thereafter, Plaintiffs will take a Rule 30(b)(6) deposition on Defendants'
 13 information systems that are reasonably likely to contain information relevant to the
 14 products at issue in this MDL to complete step two. [CMO 8, III(A)(2).] The parties are
 15 working on scheduling that deposition and anticipate completing it by May 6, 2016.

16 Thereafter, the parties will be in a position to discuss whether they have
 17 disagreements regarding what additional categories of information Plaintiffs seek
 18 regarding Defendants' ESI-collection efforts (Section III(B)(2)) and Defendants'
 19 collection and production of new ESI (Section IV). Given the foregoing, the parties
 20 anticipate that they will need until May 16, 2016 to complete the process and to report
 21 back to the Court.

22 As a result, the parties jointly request that they have until May 16, to complete the
 23 process outlined in Sections III(A), III(B), and IV of the CMO 8.

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DATED this 18th day of March 2016.

GALLAGHER & KENNEDY, P.A.

SNELL & WILMER L.L.P.

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By: s/ Matthew B. Lerner

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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2016, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

s/ Nancy Jo Koenes

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